

ENTERED

May 28, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KENNETH MANFREDI,	§ CIVIL ACTION NO.
Plaintiff,	§ 4:21-cv-00319
	§
	§
	§
vs.	§ JUDGE CHARLES ESKRIDGE
	§
	§
	§
APPLE RECOVERY	§
SERVICES	§
CORPORATION, <i>et al</i> ,	§
Defendants.	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

This case involves claims by Plaintiff Kenneth Manfredi against Defendants Apple Recovery Services Corporation, Bryan Cohen, and Jeffrey Walling for the alleged wrongful attempt to collect a consumer debt in violation of the Fair Debt Collection Practices Act. See Dkt 12.

The case was referred for disposition to Magistrate Judge Sam S. Sheldon. Dkt 9. Manfredi applied for entry of default against Walling. Dkt 18. The Magistrate Judge recommended that it be granted, finding all prerequisites under Rule 55(b)(2) of the Federal Rules of Civil Procedure to be met. Dkt 19. Walling hasn't appeared in this lawsuit and thus didn't file an objection.

The district court conducts a *de novo* review of those conclusions of a magistrate judge to which a party has specifically objected. See 28 USC § 636(b)(1)(C); *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989). To accept any other portions to which there is no objection, the reviewing court need only satisfy itself that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1420 (5th Cir 1996); see also FRCP 72(b) Advisory Comm Note

(1983).

The Court has reviewed the pleadings, the record, the applicable law, and the recommendation. No clear error appears on the face of the record.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 19.

The motion for entry of default by Plaintiff Kenneth Manfredi is GRANTED. Dkt 18.

The Clerk is ORDERED to enter default against Defendant Jeffrey Walling.

SO ORDERED.

Signed on May 28, 2021, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge